

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION

TERRANCE D. WOODS,	)	
	)	
Plaintiff,	)	
	)	
VS.	)	No. 04-1310-T/An
	)	
JANE/JOHN DOE, ET AL.,	)	
	)	
Defendants.	)	

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ORDER CERTIFYING INTERLOCUTORY APPEAL NOT IN GOOD FAITH  
AND  
ORDER TO PAY ENTIRE APPELLATE FILING FEE OR FILE  
MOTION TO PROCEED *IN FORMA PAUPERIS* IN THE APPELLATE COURT

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The plaintiff, Terrance D. Woods, filed a *pro se* complaint asserting causes of action under several federal statutes. On February 16, 2006, the Court entered an order granting leave to proceed *in forma pauperis*, dismissing certain claims and defendants, and ordering process to be issued and served on the remaining defendants. On March 14, 2006, plaintiff filed a motion for the appointment of counsel, which the Court denied on April 4, 2006. On May 4, 2006, plaintiff filed a notice of appeal from the order denying the appointment of counsel.

Pursuant to Federal Rule of Appellate Procedure 24, a non-prisoner desiring to proceed on appeal *in forma pauperis* must obtain pauper status under Fed. R. App. P. 24(a). See Callihan v. Schneider, 178 F.3d 800, 803-04 (6th Cir. 1999). However, Rule 24(a)(3) provides that if a party was permitted to proceed *in forma pauperis* in the district court, he

may also proceed on appeal *in forma pauperis* without further authorization unless the district court “certifies that the appeal is not taken in good faith or finds that the party is not otherwise entitled to proceed in forma pauperis.” If the district court denies pauper status, the party may file a motion to proceed *in forma pauperis* in the Court of Appeals. Fed. R. App. P. 24(a)(4)-(5).

The good faith standard is an objective one. Coppedge v. United States, 369 U.S. 438, 445 (1962). An appeal is not taken in good faith if the issue presented is frivolous. Id. The order from which plaintiff appeals is a non-final order, see Henry v. City of Detroit Manpower Dep’t, 763 F.2d 757 (6<sup>th</sup> Cir. 1985) (en banc), and does not meet the criteria for interlocutory appeals under 28 U.S.C. § 1292. Therefore, this appeal is frivolous. The Court hereby CERTIFIES that the appeal is not taken in good faith. Leave to proceed on appeal *in forma pauperis* is, therefore, DENIED. Accordingly, plaintiff must either pay the entire \$455 appellate filing fee within 30 days, or file a motion to proceed *in forma pauperis* and supporting affidavit in the Sixth Circuit Court of Appeals.

IT IS SO ORDERED.

s/ James D. Todd  
JAMES D. TODD  
UNITED STATES DISTRICT JUDGE